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Of Attorneys for Truitt Bros., Inc.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
EUGENE DIVISION

TRUITT BROS., INC., an Oregon corporation,

Plaintiff,

v.

W.H.S. KENNY DEPARTMENT STORES, INC., dba
KENNY'S, a New York corporation,

Defendant.

Case No. 6:09-cv-06304-AA

GENERAL JUDGMENT AND MONEY AWARD

This matter came before this court on the motion of Plaintiff Truitt Bros., Inc. (hereinafter "**Plaintiff**"), for a summary judgment against Defendant W.H.S. Kenny Department Stores, Inc., dba Kenny's (hereinafter "**Defendant**"). The court having entered an order granting summary judgment against Defendant and finding generally in favor of Plaintiff and against Defendant on Plaintiff's Complaint; now, therefore,

IT IS HEREBY ORDERED AND ADJUDGED that Plaintiff has judgment against Defendant as follows:

1. Finding Defendant in default under the Goods Agreements, as that term is

defined in the Complaint;

2. Finding for Plaintiff and against Defendant on all claims for relief alleged in the Complaint;
3. Awarding to Plaintiff and against Defendant the sum of \$306,516.73, together with pre-judgment interest accruing at the legal statutory rate of nine percent (9%) per annum as follows:
 - i. On \$78,664.79 from January 29, 2009 until judgment is entered;
 - ii. On \$56,726.71 from March 15, 2009 until judgment is entered; and
 - iii. On \$171,125.23 from March 20, 2009 until judgment is entered.
4. Awarding to Plaintiff and against Defendant post-judgment interest at the legal statutory rate of nine percent (9%) per annum from the date of entry of judgment until paid in full;
5. Awarding to Plaintiff and against Defendant all reasonable costs and disbursements incurred herein; and
6. Finding that this Court shall retain continuing jurisdiction for execution and enforcement of the judgment provided herein and for further fees and costs considerations.

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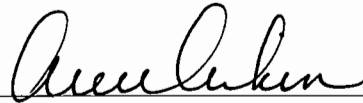
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MONEY AWARD

1. Judgment Creditor: Truitt Bros., Inc.
c/o Hunter B. Emerick
Saalfeld Griggs PC
PO Box 470
Salem, OR 97308-0470
2. Attorney for Judgment Creditor: Hunter B. Emerick
Saalfeld Griggs PC
PO Box 470
Salem, OR 97308-0470
3. Judgment Debtor: W.H.S. Kenny Department Stores,
Inc., dba Kenny's
c/o Eric Biederman
230 Fifth Avenue, Suite 612
New York, NY 10001
4. Attorney for Judgment Debtor: Michael S. Fox
Olshan Grundman Frome et al
65 East 55th Street
New York, NY 10022
5. Date of Birth: N/A
6. Tax Identification Number: Unknown
7. Driver's License Number: N/A
8. Other persons or public bodies who
are entitled to any portion of a
payment made on this judgment: None
9. Principal amount of judgment: \$306,516.73
10. Pre-judgment interest on principal
amount of judgment accruing at the legal
statutory rate of nine percent (9%) per
annum as follows:
 - a) On \$78,664.79 from
January 29, 2009 until
judgment is entered;
 - b) On \$56,726.71 from
March 15, 2009 until
judgment is entered; and
 - c) On \$171,125.23 from
March 20, 2009 until
judgment is entered.

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| 11. | Attorney fees and costs awarded: | None |
| 12. | Costs and disbursements awarded: | \$595.00 |
| 13. | Post-judgment interest on total judgment (items 9-11): | Interest accruing at the statutory legal rate of nine percent (9%) per annum from the date of entry of judgment until paid in full. |

DATED this 3 day of November ~~October~~, 2010.



THE HONORABLE JUDGE AIKEN
UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

Submitted By:

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